

Declassified and Approved For Release 2012/03/20 : CIA-RDP01-01773R000100010023-8
cit 11111 vs. 1111. DCI

A civilian would be less ~~sub~~ subj. to the control or criticism of the mil; less likely to have ambitions in another direction; more in keeping w/ Amer tradition, more symbolic of the politico-mil nature of the prob posed by intell in peactime.

Chap. I - Need to check

N. 1 - get proper citation from Federal Register or Public Papers

N. 2 - ~~did the Comm. spend "millions" of \$46 "in this R" Was it investigating the state of the nation's defenses?~~

N. 3 - ~~did the Comm. spend "millions" of \$46 "in this R" Was it investigating the state of the nation's defenses?~~

N. 4 - ~~where can I get this Feb. 26 draft bill?~~ Public Papers may tell me.

N. 5 - where can I get this Feb. 26 draft bill? Public Papers may tell me.

p. 6 - did HST's Feb. 26 draft call for a Dept. of Defense?

p. 7 full names of ~~Robertson~~ Hammers

N. 5 verify quotes + p. #s. Senate
Hammers report

C.R., 19 July, p. 9569

C.R., ditto, p. 9412 (vol. 93) or 9576

N. 6 - ~~get proper citation to p. 3 of HST's history~~ House hearings, June 24 - get p. #

N. 8 - [Senate hearings, p. 176?] + secret hearings in Soviet - Chk. Tsyling's name, quote, or p. #

N. 9 - House hearings, June 12 - get p. #

p. 12 - compare Ples's draft (N 4 above) w/ Santa bill (location?) re Ples as chair of NSC - + compare w/

p. 13 - is Houston Gen. Counsel at this pt? I have not identified him as such on p. 3

p. 12 - full name for Robertson

N. 11 - *the Pforz interview*, p. 87-889

p. 17-¹⁸ *the Sec. 101(?) of law to make sure Pforz is to chair NSC [61 Statute -
At-Large 497-499 - OGC 4.6] [N 12B] - is subpoena [sic]?*

p. 20 - *is my comment re perjured financing accurate?*

N. 13 - *the Pforz interview*, pp. 92

Last sentence - can I say that the Agency allowed the lesson to slip away forgotten?

I need to rethink this business of Houston's influence.
How much comes from Houston's draft, how much from Jan. 22 directive?

the general themes I introduce on p. 21--make a note to see
that they are pursued through the MS

Chapter I

1. note 1--get proper citation from Federal Register, or Public Papers of the Presidents, HST, 1946.
- note 4* 2. get citation for this Feb. 26 draft bill. Public Papers may tell you where to go.
3. p. 6--did HST's ^FFeb 26 draft call for a Dept of Defense?
4. p. 7--full name for Harness--maybe Cong Record, or ask at reference desk
5. ~~note~~ 5--verify quotes and p. nos.
Senate report 239, 5 June 1947--in HIC?
Busbey--Cong Rec, 19 July, p. 9569
Harness--ditto, p. 9412 (vol. 93), or p. 9576
6. note 6--House ^{+ NAME of hearing}hearings, June 24--get p. no. in HIC??
7. note 8--chk. Tydings' ^{spelling}name, quote, and p. no. Try Senate hearings, p. 176--in HIC??
- note 9* 8. House hearings, June 12--get p. no. and chk quotes
9. ~~mp.~~ 12--re Senate change re Pres as chairman of NSC: compare Pres draft (#2 above) w/ Senate bill (Location?--try Cong. Quarterly Almanac, 1947) w/ final act (see #12below).
- p. 12* 10. full name of Robertson
- p. 13* 11. is Houston (Lawrence) General Counsel in mid-1946?
12. chk. sec. 101 (?) of Nat. Security Act of 1947 to make sure Pres is to chair NSC. Get proper citation for citing law [61 Statutes-at-Large 497-499 in OGC Lib?]
- 13 *p 23 - is John D. ... married ... in summer '47?*

I. CREATION OF THE AGENCY, ~~RECENTLY~~ 1940-1949

From the moment of the CIA's founding, Congress played an important but not entirely clearcut (?) role in the affairs of the Agency. ^{he} ~~THE~~ CIA existed solely ^{by} by virtue of congressional action. At the same time, many of its most important features predated the legislation which officially ^{brought} gave ~~the~~ ^{into existence,} CIA its life, and its congressional sponsors in drawing up the National Security Act leaned heavily (?) on actions taken without congressional sanction by members of the executive branch. Thus, from the very beginning a relationship of ambiguity was established between an intelligence organization dependent upon Capitol Hill for its charter, its personnel, its funding, indeed its continued existence, and a Congress reluctant or unable to exercise substantive control over ^{the Agency,} ~~its creation,~~ and dependent (rep) upon ^{its creation,} ~~the Agency~~ for services of the most fundamental nature.

Of one thing everyone was certain: the ineffectual Central Intelligence Group (CIG) then attempting to meet the nation's ~~intelligence~~ needs for central intelligence required ~~substantial~~ massive surgery if it were to fulfill the responsibilities for which it was created. Established by presidential directive on 22 January 1946, CIG ostensibly directed the ~~evaluation~~ ^{correlation,} evaluation, and dissemination of intelligence relating to ~~the~~ national security, as well as coordinating the activities of the various departmental intelligence organizations. ^① But in fact,

CIG was dependent upon the Departments of State, War, and Navy for its personnel, funds, and facilities, and this lack of independent authority ~~caused that it would be~~

~~undermined its legitimacy and hence its~~

~~effectiveness~~ undermined its legitimacy and hence *its*

~~effectiveness~~ effectiveness ~~in~~ among bureaucrats skilled in Truman's selection as

~~possessing political savvy~~ Admiral Sidney Souers, ~~the~~ ~~appointed~~ first struggled with these deficiencies

~~first~~ Director of Central Intelligence, ~~by which~~ throughout his brief tenure in ~~James's~~ office. In his farewell report

~~of June 7, 1946, he strongly~~ of June 7, 1946, he strongly ~~recommended that CIG and its parent~~

~~body, the National Intelligence Authority~~ (NIA), obtain a legis-

lative charter and an independent budget as soon as possible.

Souers was not alone in recognizing these problems. In the House of Representatives ~~Through much of 1946 [is this true?]~~ the Military Affairs

Committee ~~of the House of Representatives~~ spent much of

1946 ~~for this~~ investigating the state of the nation's *intelligence* system.

~~defenses~~. In ~~the~~ *a* report issued upon the completion of its labors, ~~the~~ *the committee* noted that intelligence was just as vital

in peacetime as in wartime; indeed, it was the ~~nation's~~ *country's*

"first line of defense." The committee members found it

difficult to imagine America's leadership taking "a single important step" in international affairs without "knowledge

and understanding of the aims, capabilities, intentions,

policies, and actions of other nations--in other words, . . .

without intelligence." Calling for the creation of an

effective intelligence service, the House report recom-

mended legislative authorization for NIA ~~and CIG~~ *with GIG*

And Urged Congress

to grant CIG direct ^{and} the ~~latter~~ receiving appropriations directly from Congress and having complete control over its personnel. But to the great dismay of CIG, the former G-2 officer who authored this Senate, however, S. 2044, which would have among other report explicitly prohibited the DCI from engaging in collection ~~things provided for a~~ ~~xxxxxxx~~ activities, a prohibition which would have vigorous intelligence organization, died of neglect in made CIG utterly dependent upon the military intelligence ~~the committee~~. agencies. (2)

Soeurs left government service on 10 June 1946. ^{Only} ~~mere~~ three days later, his successor, Lt. General Hoyt Vandenberg, received the staggering news from Lawrence Houston (~~insert position~~) that he had taken command of an organization in dire ~~danger (clique)~~ jeopardy of losing its authority to expend funds. Under the terms of According to the Independent Offices Appropriation^s Act of 1945, Houston explained, CIG would be without unvouchered funds from the departments 22 1947. Moreover, after January 1947, while it was questionable whether legally the departments could furnish personnel and supplies even from their vouchered funds. An upset Vandenberg directed draft Houston to prepare appropriate legislation for submission to Congress. A few weeks later, with he ~~ANNOUNCED~~ ~~colleagues~~ informed his superiors (?) that CIG would shortly have ~~xxxxxxx~~ ~~legislation~~ ~~xxxxxxx~~ to approach Congress for a legal charter. Admiral William Leahy, the President's personal representative, ^{promptly} ~~then~~ informed Vandenberg that Truman preferred that CIG ~~wait~~ delay action until the following year.

Houston in the meantime, ^{in response} ~~had responded~~ to the Director's order to draw ~~xxxxxxxx~~ up appropriate legislation, had turned to work he and John Warner had done earlier that

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year in anticipation of precisely this type of situation.

Within days a ~~final~~ draft bill ~~was~~ lay on Vandenberg's

desk. Though destined to be temporarily shunted aside

the initial
during consideration of what came to be known as the National
Security Act of 1947, Houston's handiwork would serve as
for legislation,
the nucleus of the ~~equally important and central intelligence~~

~~thereby~~ thereby earning its principal author the

title "legal architect" of the CIA.

envisioned an intelligence organization
Houston's draft ~~began by observing that experience~~
far more potent than the anemic CIG. It began by observing that the
~~had demonstrated the inadequacy of a dispersed system of~~

~~national intelligence.~~ (edit) ^{experience} The lessons of the past

generation ~~had~~ proved conclusively that "intelligence ga-

thering and analysis must be centralized." Accordingly,

a Central Intelligence Agency should be established, with

a Director "who shall be the head thereof" (thereby reversing

the current arrangement, where the President's 22 January

directive had separated the duties of the Director from

those of CIG). The Director ^S should be appointed from

civilian or military life by the President, with the

advice and consent of the Senate, for a term "of not more

than seven years." The Agency was to operate under the

supervision and direction of the NIA and would coordinate

the operations of the various departmental intelligence

organizations and ~~to~~ centralize the analysis, evaluation,

and dissemination of foreign intelligence. ^{PP} In addition,

Houston assigned ~~to~~ the CIA, in phrases which ^{would in later years become} subsequently

^{focus} be the center of great controversy, the responsibility for

for the benefit of the existing intelligence agencies, performing such "services of common concern" as the NIA might direct, and "such other functions and duties relating to intelligence affecting the national security" as the White House or the NIA might require. The Agency was to have no "police, subpoena or law enforcement powers or functions," while its Director was to be responsible "for fully protecting intelligence sources and methods." The individual departments were to retain their own intelligence services, but were to make their intelligence operations and facilities freely available to the ~~Executive Department~~ CIA. Other provisions gave the Agency necessary authority concerning procurement, finances, and similar administrative duties. Finally, in another important and subsequently controversial passage, the Agency was ~~authorized~~ empowered to expend monies "without regard to the provisions of law and regulations relating to the expenditure of Government funds." For "objects of a confidential nature," moreover, such expenditures were to be accounted for "solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein certified." ③

Such an ambitious proposal was destined to draw opposition, however. In a series of White House meetings between July 1946 and the following January, Houston's program was gradually whittled down into a considerably more innocuous document. The draft bill sent Congress by the President on February 26, 1947 bore only ^{MARGINAL} the slightest resemblance to Houston's bold concept. It called for the

creation under a National Security Council of a Central Intelligence Agency, headed by a Director to be appointed by the President. In the only section ~~of the brief draft~~ taken from Houston's proposal, it provided that any commissioned officer appointed Director should not have his "status, office, rank, ~~or~~ grade" nor any "emolument, perquisite, right, privilege, or benefit" he might be ^{Adversely} due affected by his appointment. The salary for the Director was set at \$14,000 per year. The NSC and CIA were to take over the functions, personnel, property, and records of the NIA and CIA ^G respectively. No mention was made of the duties or responsibilities of the new CIA or its Director, nor of the existing departmental intelligence services. The presidential draft was similarly silent concerning the methods by which the new agency was to be financed. ⁴

The White House's reticence on these matters is perhaps best explained by its desire to ^{avoid} ~~stir up as little~~ controversy ^{wherever} as possible. The provisions creating the CIA ~~were~~ represented only a ~~xx~~ minor portion of a ^{much} more complex and controversial bill calling for the unification of the three armed services into a single Department of Defense. Vigorous ^{ly} opposed by many high-ranking officers, especially in the Navy, the proposal faced an uncertain future at the hands of the legislators. ^{The Senate Committee on Naval Affairs} ~~a similar plan the year before~~ had already buried a ~~xxxx~~ similar plan the year before, ~~had been smothered in the Senate Committee on Naval Affairs,~~ and since then the Republicans had ^{re-}captured control in ^{since 1932.} both House of Congress for the first time ~~in xxxxxxxxxx~~ Public criticism of a vigorous central intelligence organization ~~Administration strategists thus decided that political wisdom~~ zation from G-2 and military officers with powerful allies

on the Hill complicated matters further. Administration ~~Public criticism of~~
~~dictated only the barest mention of the CIA. Opposition~~
~~strategists thus decided that political wisdom dictated~~
~~to a vigorous central intelligence organization from C-2~~
~~only the barest mention of the CIA. Opposition from the~~
~~and military officers with powerful allies on the Hill~~
~~this~~ military also
~~reinforced the caution and~~ explains the White House refusal
to accept Vandenberg's recommendation that the DCI be
named a non-voting member of the NSC.

As had been anticipated, congressional ~~attention~~ consideration of
the President's bill
centered upon the proposed merger of the armed forces,
with the provisions establishing a Central Intelligence
Agency ~~receiving~~ drawing much less attention. In large
measure this reflected the consensus that an agency like
the CIA was essential to protect the nation's security.
During
~~In~~ the ensuing hearings and debates, recollections of
Pearl Harbor predominated, it being the ~~conventional~~
accepted belief that a more effective process of collecting
and disseminating ^{the available} intelligence information might have
prevented that disaster. ^{Members of} ~~The report issued by the Senate~~
Armed Services Committee concluded that Congress, in order to
"meet the future with confidence," must establish a CIA
to collect and analyze "that mass of information without
which the Government cannot either maintain peace or wage
war successfully." Even critics of the CIA provisions of
the bill did not ^{fault} ~~oppose~~ the concept. "I am not opposed
to a central intelligence agency," Representative **Fred E.**
Busbey, one of the Agency's harshest critics, emphasized.
"You remember Pearl Harbor. They had intelligence, but
it was not correlated and evaluated correctly." Indiana's
Forest A. Harness spoke for virtually all his colleagues

when he confessed to fears and doubts ^{upon} ~~when he~~ first reading the CIA provisions of the bill. "Please bear in mind that this is a bold departure from American tradition," he told the House. "This country has never before officially resorted to the collection of secret and strategic information in time of peace as an announced and fixed policy." ~~But further~~ ^{reflection,} ~~however,~~ ^{had convinced him "that"} he added, ~~"I am convinced that"~~ such an Agency as we are now considering is essential to our national security."⁵

With little need to convince ^{win} ~~doubters~~ ^{skeptics} ~~anyone~~ of the necessity for creating CIA, congressional debate revolved instead around two broad questions: the relationship between the new Agency and the military establishment; and the specific functions assigned to and limitations placed on the CIA. Often the discussion was poorly focused or based upon misinformation; occasionally it was simply silly. But in the end, advocates of a strong centralized intelligence organization achieved by far the greater part of their desires, and the United States Congress begot a legislative charter ~~a law~~ which remains, three and one-half decades later, ^{document} the bedrock ~~charter~~ for the nation's intelligence community.

The matter of Agency-military relations raised two corollary issues. One concerned the ~~new~~ CIA's position in the government structure. Was it created to serve the armed services and the Joint Chiefs of Staff, or ^{should} ~~was~~ it be ^{placed} on equal terms with them? Should the DCI report to the Secretary of Defense, and thus become part of the military establishment? Or should ~~should~~ the State Department's

interest in intelligence be acknowledged by having the CIA report to the NSC? On purely theoretical grounds, it might be preferable for the CIA to report to one individual rather than to a group such as the NSC, which ^{would only create,} ^{what} Representative Walter Judd contemptuously ^{warned,} labeled a "hydra-headed agency." ⁶ William Donovan, the legendary head of the OSS, argued along these lines, for instance. Another possibility was for the DCI to report directly to the President, but the service intelligence officers, fearful of granting the CIA ready access to the White House, lobbied energetically against that proposal.

The second issue touching on Agency-military relations produced the most heated moments of the entire CIA debate. Vandenberg returned to active duty on May 1, 1947, and ^{AS} ~~for~~ his replacement Truman tapped Admiral Roscoe Hillenkoetter, ^K the third military man to ^{Serve as DCI} ~~hold the position~~ in sixteen months. Many congressmen saw in this a dangerous pattern. Such frequent changes in the Agency's leadership could not as ambitious officers used the position of DCI as stepping help but undermine the organization's effectiveness, ^{MANXX} stones in their careers. Moreover, a civilian DCI would lessen the danger of excessive military influence over the ~~CIA~~ Agency. The CIA, Senator Edward Robertson warned, had "all the potentialities of an American Gestapo; and such an organization, controlled by a military man, would be in possession of untold power which we could not properly place in the hands of ~~the~~ our military."⁷ There were ^e continual references to J. Edgar Hoover, who had made a career of heading the FBI, and

calls that the DCI do the same. Accepting the position, OSS veteran Allen Dulles ~~in the same manner~~ counseled, should be akin to going into a monastery. ^M Many worried that the President's bill, by devoting so large a portion of its safeguards for brief space to ~~insuring that~~ a military ~~DCI~~ DCI, implied that all future Directors were likely to be officers from the armed services. On the other hand, requiring that the DCI come from civilian ranks might preclude the most qualified individuals from the position, especially during in the early years of the Agency's history, when there might not be a civilian sufficiently experienced in intelligence matters. Simply requiring a military officer to retire from active duty before accepting the post did not offer ^{solution either,} a way out of this impasse. ^{lengthy tenure} Unless he were also ~~to be~~ assured a set term ~~in office~~ as DCI, a prospect no one found particularly appealing, few career military officers ^{sacrifice} their careers for a post from which they would be willing to risk premature dismissal due to electoral politics. which they could be dismissed ~~at~~ at a moment's notice.

enumerate

The failure of the President's bill to assign specific for duties or responsibilities to the CIA also provoked ~~consider-~~ ^{CONCERN} ~~able~~ congressional comment. The White House proposal stipulated only that the CIA and DCI should inherit the functions of their predecessors. These functions, however, could be ascertained only by referring to Truman's January 22, 1946 directive establishing CIG, and many legislators doubted the propriety of having to go to a presidential order to interpret a congressional action. "It seems to me there is a void in the bill that ought to be eliminated,"

Senator Millard Tydings complained. The "real question," Representative CLARENCE J. Brown added, came down to whether Congress should "define the functions and the activities in which [CIA] should engage, rather than depend upon a rather nebulous thing called an Executive Order, which is here today, but may be gone in three minutes, if the President decides to sign some other paper."⁸

Given later disputes, it is instructive to note that this debate revolved around whether Congress should explicitly mention the duties CIA was to assume, not the nature of ~~its~~ the functions it was to be assigned. On this latter point, there was general consent. In spite of an unwillingness to refer to such activities in open sources, and over the protests of a vocal minority, most congressmen even agreed that the new agency should engage in overseas espionage as well as more open (rep) forms of collection. Similarly, widespread consensus existed that the Agency should be prohibited from any type of domestic operations, sentiment with which CIC concurred. a ~~desire~~ which exactly matched CIC's desires. The Truman bill, in the interests of brevity, had deleted all such prohibitions, fostering repeated charges that the CIA threatened to become another "gestapo." Congress needed to write "a lot of safeguards" into the bill, Representative Brown insisted, explaining that he wished to insure that the activities and functions of the CIA were "carefully confined to international matters and to military matters and national security." "We have enough people now running around the country looking into other people's business," he gratuitously added. (rep)⁹

The President's draft went first to the Senate, where the Armed Services Committee held hearings for ten weeks and then reported out an amended version on 5 June 1947. The committee report accompanying the revised bill devoted only three terse paragraphs to the CIA, an explicit acknowledgment that the intelligence provisions were of relatively minor concern to most congressmen in comparison with other portions of the bill. Indeed, the Senate debate hardly touched on the CIA, with the one exception of Senator Edward V. Robertson's demand that the DCI be a civilian. *On 9 July* In the end, the upper House passed the bill by voice vote. The only changes in the CIA sections from Truman's draft involved an explicit (rep) statement that the Director could be either a civilian or a military man, and the added requirement that he receive Senate consent before assuming his duties. One important change in the provisions establishing the National Security Council also affected the CIA. By stipulating that the President serve as chairman of the NSC, this meant that the DCI would report directly to the President, a provision (rep) which gave the Agency ^{insured} important access to the very highest levels of policy making.

The lack of controversy which attended the CIA portions of the bill's passage through the Senate attested not only to the preoccupations of the ~~many~~ legislators, but also to the skill Agency officers had exercised in anticipating and ~~moving to head~~ ^{heading} off (wordy) potential problem areas. Vandenberg sought out Senator Chan Gurney, chairman of the Armed Services Committee, to discuss how ~~the~~ CIG might

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I would for sure be left with a lot of work to do
proposed
 solicited best present its case for a vigorous CIA, secured the comments on senator's ~~agreement to read~~ the DCI's statement prior to testifying before the full committee, and secured a promise from Gurney to "shut off any embarrassing questions" which might be raised ~~during the hearing~~ from the floor.¹⁰
 At a lower level, Representatives from CIG's legislative liaison branch

monitored ~~the~~ all hearings and debates daily, kept in close touch with key committee staffers, ^{and} alerted the DCI as to which congressmen required special stroking. *And on one* → *OVER*

CAREFUL GROUNDWORK
 Such attention to congressional sensibilities paid *AS WELL* dividends (cliche) in the House, which scrutinized the ~~CIA~~ intelligence portions of the bill in considerably greater detail. Ohio's Clarence Brown insisted that Congress, not some presidential directive, should determine the jurisdiction and ~~functions~~ ^{functions} of the Agency and held out for an explicit enumeration of these matters. Borrowing from General Counsel Houston's 1946 draft bill, which in turn had drawn from the President's directive of 22 January 1946, the House assigned five distinct functions to the CIA:

(1) •to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

(2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate ~~to the national security~~ to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities . . . ;

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

memorable occasion, Walter L. Pforzheimer, CIG's legislative
liaison officer, even succeeded in parlaying his ^{using} ~~cultivation~~ ^{contacts with}
of a key congressional aide to obtain the single existing
copy of ^{secret} G-2 testimony disparaging the concept of a strong
centralized service, thereby enabling CIG better to ~~make~~
present its counter-arguments.

(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to ~~time~~ time direct.

~~Even Brown, however, expressed no qualms about having the Agency engage in clandestine collection activities.~~

despite
But ~~in~~ ^{despite} the fears voiced by Brown and others, ^{circumscribe limit} ^{vague} the House made no effort to define the imprecise phrases "services of common concern" and "other functions and duties related to ~~intelligence~~ ^{if not for self only those} intelligence," phrases which came verbatim from the President's 22 January directive. Although Houston was later to write that a literal reading of these two ~~sections~~ sections "could bear almost unlimited interpretation," it was understood the congressional authors of this generally ~~agreed~~ at the time that ~~such~~ loose wording intended to sanction ~~the~~ clandestine collection activities without having to admit publicly that the United States government had indeed entered this type of business. As ^{was engaged in} such, this represented a triumph for CIG over ^{its} ~~the~~ G-2 rivals, who had energetically ~~lobbied~~ ~~officers who energetically~~ sought to restrict the CIA from ^{Such} any collection function at all, a stipulation which would have rendered the new organization ~~as~~ ~~as~~ as powerless as the one it was designed to replace. In light of subsequent developments, perhaps it ~~is~~ should be noted that no one ~~in the House~~ during ~~the~~ congressional consideration of these matters envisioned these clauses as legal justification for other types of covert operations; but neither did the Congress, with its elastic phrasing, explicitly forbid such activities.¹¹

Some members of the House also raised the question of the internal police powers the new organization might exercise. CIG representatives, rather than shying away from the word "gestapo," prominently used it to emphasize that the proposed CIA could and would be no such thing. Such assurances failed to satisfy fully ~~and~~ all the doubters, however. So at the suggestion of CIG, the House Committee on Expenditures in the Executive Departments, which had designated been delegated to mark up the bill, reinserted the prohibitions on internal security functions which ~~had been in (ask)~~ ^{ANA} ~~then~~ Truman's January 22 directive and Houston's bill, had ~~originally~~ originally contained.

The familiar ~~problem of~~ ^{wield} controversy over the influence the military was to have in the new agency also resurfaced during the House's consideration of the bill. The Director^A of Central Intelligence should not stand "with one foot in the civilian trough and one foot in the military trough," Representative ⁽¹²⁾ ~~WALTER~~ Judd counseled. ^R ~~Apparently~~ ~~swayed by such arguments~~ and determined to maintain the tradition of civilian control over the armed forces, ~~the~~ the House accepted an amendment from the ~~floor~~ ^R ~~floor~~ ^A barring anyone on active duty from becoming DCI. ^R ~~As for his term~~ Seeking to stave off (cliche) ~~criticism~~ fears that military ~~officers might~~ about a lack of continuity in the office of the DCI occasioned by military officers being rotated in and out of the position, CIG ~~drew up~~ ^{toyed with the idea} a proposal appointing Hillenkoetter for a term of fourteen years, though ~~the~~ agency officers eventually decided not to ~~submit~~ it. ^{But}

of office, further reflection ultimately persuaded most congressmen that the DCI should ~~remain~~ hold his position subject to the President's discretion.

Having thus disposed of the most troublesome issues, then the House dispatched several other matters almost routinely.

At the request of CIG's legislative liaison officer, the House granted the DCI the authority to terminate the employment of any Agency official at any time. ^{Another possibility,} Language ^{lifted} ~~was borrowed~~ from the January 22 Directive, ^{made} making the DCI responsible for protecting intelligence sources and methods from unauthorized disclosure. Following a bit of a tussle the House decided upon a salary for the DCI of \$14,000 ~~per~~ yearly, ~~year~~, a figure CIG found more in keeping with the relative importance of the position than the \$12,000 the Senate had ~~designated~~ ^{instigation}. Finally, at the insistence of Repre-~~sentative~~ ~~xxxx~~ Judd, the House added a provision protecting the operations of the FBI from inspection by the DCI. Then on 19 July, wearied from months of acrimony, the House approved the entire merger bill, with its CIA provisions, by voice vote.

But their labors were not yet completed, ~~xx~~ for the ~~xxxx~~ House version of the bill still had to be reconciled with the Senate version. In the ensuing conference committee, the Senate representatives deferred to the greater scrutiny given the CIA provisions by their House colleagues and, with two exceptions, agreed to the House bill. But these two exceptions were not unimportant. The conferees first

cut back on the CIA's authority to inspect the intelligence operations of the other departments and agencies, ~~directed~~ gave the FBI additional autonomy by directing and ~~gave the FBI additional autonomy by directing~~ that the FBI make its intelligence relating to national security available to the DCI only upon written request. Secondly, in a development which greatly pleased ~~the~~ CIG, the Senate ~~insisted~~ insisted that the House prohibition against a military Director be removed. The new language provided for ^{AND} either a civilian or a military DCI, ~~and if the latter~~ ^{IN THE EVENT THE LATTER WERE APPOINTED,} ~~were chosen~~ appointed, included explicit provisions safeguarding him from control by his superiors in the services, and denying him authority over those of lower ranks. Its work finished, the conference committee returned the compromise measure to the two Houses on 24 July. The Senate registered its acceptance by voice vote the ~~very~~ same day, ^{while} ~~and the House quickly followed suit on the following day.~~ ^{Added its CONCURRENCE} With the President's signature attached to the bill on 26 July, the ~~the~~ measure became law, ~~and~~ The Central Intelligence Agency was in business.

As finally passed, ^{section 102 of} [^] the National Security Act provided for an independent and centralized intelligence service under the direction of the National Security Council, ~~the~~ which was to be chaired by the President. ~~A Director of the Central Intelligence was to head the new CIA~~ ^{the} Heading ~~this~~ new CIA was to be a Director of Central Intelligence, appointed by the President and confirmed by the Senate. The DCI could come from either civilian or military life, ~~and~~ would serve at the pleasure of the President, and would

earn \$14,000 a year, considered a healthy sum in 1947.
Should the President appoint
~~Were~~ a military man ~~appointed~~ Director, he would have no
 nor
 more authority over ~~or~~ responsibilities to the armed services
 than had he been a civilian.

The National Security Act explicitly spelled out the
 of,
 duties and limitations upon the Agency, including the
 ambiguous duties of performing "services of common concern" and
 "such other functions and duties" as the NSC might direct.
 The Director was made responsible for protecting ^{intelligence} sources
 and methods and was empowered to separate any employed
~~XXXXXX~~ at any time. On the other hand, the Agency was
 proscribed from exercising "police, subpoena, law-enforce-
 ment powers, or internal-security functions." Other
 departments and agencies of the government could continue
 to collect, ^{produce,} ~~evaluate,~~ and disseminate departmental intelli-
 gence, though their intelligence (but not their operations)
 should be open to inspection by the DCI to the extent
 recommended by the NSC, and subject to the further safe-
 guards erected around Hoover's FBI. Finally, the NIA
 was to disappear, and ^{CIG} ~~the~~ personnel, property, and records
~~was~~ were to revert to the CIA, thereby dissolving CIG as
 well. Any unexpended CIG funds should in like manner *pass to*
 become available for the CIA. (12B)

In one sense, passage of the National Security Act
 changed surprisingly little for CIG. Hillenkoetter easily
 moved from heading CIG to a similar position with ^{Responsibilities} the CIA,
 as did most of his subordinates. The functions of and
 restrictions upon the new organization remained for the
 most part those first enumerated in the President's January

in
for CIG, their day-to-day
22, 1946 directive, and ~~there~~ day-to-day operations,
~~the~~ CIA officers behaved little differently than they had
under CIG aegis. So in this respect, one can find the
origins of the Central Intelligence Agency in its prede-
cessor organizations, reaching back through CIG to the
wartime OSS.

In a more fundamental manner, however, the National
Security Act represented landmark legislation. (awk)
In giving the CIA a solid foundation in law, it assured
the Agency a permanence CIG never enjoyed; no longer did
the nation's intelligence chiefs have to consider the
instant disbandment. abolition. ~~possibility of instant disbandment. Moreover, the measure~~
unlike CIG,
gave the CIA sufficient power to operate without having
continually to seek specific approval from the NSC for
each action. Similarly, the DCI possessed considerably
more freedom of action than under the NIA, with direct
access to the President and no advisory boards or jealous
intelligence services through which he had to operate.
With the CIA now established as primus inter pares among
the nation's intelligence agencies, the DCI possessed a
statute within high-level Washington circles which he had
never attained under the President's 1946 directive. Fi-
nally, and perhaps most fundamentally, the National Security
Act gave legal recognition both to the importance of in-
telligence for the nation's security, and to the concept

More to the point, it gave the Agency that statutory standing
it needed to avoid the liabilities ^{penalties} threatened by the In-
dependent Offices Appropriation^s Act. Moreover, the measure

of an independent, ~~and~~ centralized organization for the collection, production, and dissemination of that intelligence.

In ^Retrospect, of course, one can find a number of omissions or ambiguities in the CIA provisions of the legislation. As with Truman's January 22 letter, the act still left ~~the~~ ^{precise} unclear the division of responsibilities between ~~the~~ CIA and the other intelligence agencies of the government. ^{How,} ~~What,~~ for instance, ~~was the relationship~~ ^{did} between CIA's responsibility to coordinate the intelligence activities of the government, ^{SQUARE with} ~~and~~ the continuation of departmental intelligence? What was to be the DCI's role in managing the entire community? Nor did the act specify what it meant by "national security," ^{AN UNDERSTANDABLE} ~~a~~ ^A failure which, ~~though understandable,~~ nonetheless, left the Agency vulnerable to congressional attack in subsequent years. ~~Ex~~ Another omission which would bedevil Hillenkoetter's successors lay in the measure's delegation of responsibility to the DCI to protect intelligence sources and methods without ^{sufficient} at the same time granting him the authority to do so. ^{silent} ~~Finally,~~ Lastly, ~~in EXPRX~~ the act was strangely quiet about financing ~~how~~ the Agency, ~~XXXXXXXXXX~~ a situation which necessitated a ~~EX~~ system of jerryrigged financing (rep) ~~until further legislation could be obtained,~~ and an immediate ~~further~~ request for further legislation.

Yet these defects notwithstanding, it is difficult to escape the conclusion that the National Security Act of

in large measure met

1947 served the intelligence needs of the nation admirably. Certainly CIG/CIA officers of the day believed they had succeeded in securing highly favorable treatment from the Congress. ~~■~~ As one later remarked: "We got all the candy."¹³ In the rosy afterglow of the bill's passage, it seemed that a promising partnership between Capitol Hill and the country's intelligence community had been born.

~~And~~ from the perspective of another generation, one can look back on the passage of the 1947 act and point out broad themes (?) which would repeatedly return to shape this partnership. One such theme (?) has to do with ~~the~~ ^{the} respective ~~xxx~~ responsibilities of the Congress and the executive branch in supervising the CIA. Congressman Brown ^{alluded to} explicitly touched ~~■~~ upon this matter when he lectured General Vandenberg that it was "just a question of how much control Congress wants to keep as the representatives of the people." In calling for an explicit enumeration of CIA functions, he observed: "Your ideas, or the ideas of the Security Council, might ~~■~~ be entirely different from the ideas of the men and women who are elected to represent the people."¹⁴

enduring rivalry between the CIA and the armed forces intelligence agencies. Just as G-2 officers rather consistently sought to thwart the creation of a strong centralized organization in 1947, so this bureaucratiaic competition would continue to ~~affect~~ influence the Agency's dealings on Capitol Hill again and again in years to come. Another theme (?) surfacing during the 1947 proceedings which would form a recurring strand refrain in CIA-congressional

The continually perplexing matter of security within a legislature not known for its reticence also found its first expression in 1947. Representative Carter Manasco, speaking on the floor of the ~~House~~ House ~~about~~ ~~XXXXXX~~ about ~~XXXXXX~~ and referring to testimony given ~~XXXXXX~~ in executive session, plaintatively pointed out (rep) a basic dilemma perceived by the lawmakers when he remarked:

We were sworn to secrecy, and I hesitate to even discuss this section because I am afraid I might say ~~XXXXXX~~ something . . . and divulge some information here that we received ~~in that committee~~ that would give aid and comfort to any potential enemy we have. For that reason I am even reluctant to mention the testimony.

Such scrupulousness antagonized some congressmen. It had been his experience, Clarence Brown indignantly replied, "that on important matters, as far as patriotism is concerned, that you can trust the patriotism of members of Congress just about as far, and perhaps a little further, than you can those in the departments of the Government." 15 But Brown represented the minority view. By and large, the legislators were every bit as conscious as the professional intelligence officers of the desirability of ^{ing} security and ~~the need to maintain security~~ and ^{ing} or embarrassing. This commendable public caution prevent ^{ing} damaging disclosures. ~~And in the case of references~~ encouraged an unfortunate tendency, ~~to espionage, Congress~~ however: a reluctance

Finally, congressional enactment of the National Security Act demonstrated the critical importance of being able to rely upon strong CIA supporters within the ranks of Congress itself. In the Senate, ■ chairman Gurney of the Armed Services Committee carefully shielded the CIA

on the part of many of the law makers, both in 1947 and afterwards,

provisions of the bill from hostile action. And because the House gave the intelligence portions of the act a more thorough perusal, CIA backers in the lower house--Clare Hoffman, chairman of the Committee on Expenditures in the Executive Departments, Alabama's Manasco, James Wadsworth of New York, and perhaps most crucially, ^{minority whip} John McCormack [^] of Massachusetts--played an even more critical role. In both chambers legislative supporters (rep) led the fight for a strong system of centralized intelligence, a tactic far more effective than requiring CIG or any other outsider to defend itself. From the very beginning, then, CIA learned the value of favorably disposed legislators and of friendly relations with well-placed congressional aides. This would be a lesson honored in the practice for the better part of two decades, ^{often} with the most salutary of results. And ^{would} then this same lesson ^{be} was gradually allowed to slip away forgotten--with repercussions devastating in their impact upon the Agency.